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February 23, 2024

VIA ECF

Hon. Mary Kay Vyskocil
Daniel Patrick Moynihan United States Courthouse
500 Pearl St.
New York, New York 10007

Re: *M.Z. et al. v. New York City School Dist.*, 23-cv-9746 (MKV)(SLC)

Dear Judge Vyskocil:

I am a Special Assistant Corporation Counsel in the Office of Corporation Counsel, Hon. Sylvia O. Hinds-Radix, attorney for Defendant in the above-referenced action, wherein Plaintiffs seek solely attorneys' fees, costs, and expenses for legal work on an administrative proceeding under the Individuals with Disabilities Education Act, 20 U.S.C. § 1400, *et seq.* ("IDEA"), as well as for this action.

I write on behalf of all parties to respectfully request, *nunc pro tunc*, a 180-day extension of Defendant's time to respond to the Complaint, from February 22, 2024 to August 22, 2024. I apologize for the lateness of this request (not having complied with Your Honor's 72-hour rule) and the inconvenience for the Court. This is Defendant's first request for an extension of this deadline.¹

As noted in our prior submission (ECF 7), a 180-day extension should allow Defendant's counsel time to complete the City's internal review process for all 32 matters—it typically takes upwards of 90 days for a *single* matter to be resolved—by analyzing the billing records (which Plaintiffs have

¹ On February 15, 2024, the parties filed a joint request to stay the case that is currently pending (ECF 7). As Your Honor has not acted on that letter motion, in an abundance of caution, the parties submit this motion. We have a conference with Judge Cronan this coming Monday on possible consolidation of this case with the 31 other cases filed and served on the same day by the Skyer Law Firm. Cognizant of Judge Cronan's stated skepticism regarding that possible motion, we are endeavoring to proceed before each of the 21 Judges (or assigned Magistrate Judges who have been referred a case for all pre-trial purposes) in a coordinated and well-organized way, but our efforts have fallen short of that goal as some Judges have granted our individual stay motions (e.g., *G.D.*, 23-cv-9743 (ALC)(SLC) (ECF 8), *G.W.*, 23-cv-9744 (PAE)(SDA) (ECF 8)), others have denied the individual stay motions (e.g., *N.I.*, 23-cv-9760 (JHR)(VF) (ECF 9), *D.M.*, 23-cv-9762 (MMG)(KHP) (ECF 14)), and others have granted the individual stay motions pending the outcome of Monday's conference with Judge Cronan (e.g., *J.W.*, 23-cv-9759 (PAC)(KHP) (ECF 9)).

agreed to provide by March 1) together with the underlying administrative records, engage in settlement negotiations, and hopefully reach agreements in each matter. We note that the Law Department resolves 95% of these IDEA fees-only actions without the need to burden the Court with any motion practice or conferences, and often without needing to file a response to the Complaint. The parties are optimistic they will be able to fully resolve this matter through settlement without further intervention of the Court.

Therefore, the parties respectfully request that Defendant's time to respond to the Complaint be extended to August 22, 2024, with a status letter due that same day advising the Court of the progress of settlement discussions and proposing next steps.

Thank you for considering this request.

Respectfully submitted,
/s/ Marina Moraru

Marina Moraru, Esq.
Special Assistant Corporation Counsel

cc: Jesse Cole Cutler, Esq. (via ECF)

This request for a 180-day extension of time to answer is DENIED in part and GRANTED in part. Defendant must answer or otherwise respond to the complaint by April 4, 2024. The parties' previous request for a stay [ECF No. 7] is DENIED.

Date: Feb. 29, 2024
New York, New York

Mary Kay Vyskocil

Mary Kay Vyskocil
United States District Judge